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March 9, 2014

BY EMAIL TRANSMISSION

Vicki Ferguson
Region 8, Mailcode: 8-OC
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
E-mail: r8foia@epa.gov

Re: FOIA Request Related to Clean Air Act Matters

Dear Ms. Ferguson:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and relevant U.S. Environmental Protection Agency (EPA) regulations set forth in 40 C.F.R. Part 2, subpart A, I am writing on behalf of my client Sierra Club to request the following information:

- 1) Regarding the Colstrip Power Plant in Montana:
 - a) All documents submitted from or on behalf of the owners/operators of the Colstrip Power Plant to EPA that were provided to justify the nitrogen oxide (NOx) emission rates and/or NOx pollution controls ultimately required for Colstrip Units 3 and 4 in Section IV. of the Consent Decree in United States v. PPL Montana, LLC, et al., Civil Action No. *1:07-CV-00040-RFC-CSO*, that was lodged with the United States District Court for the District of Montana on March 19, 2007 (noticed to the public at 72 Fed.Reg. 14831 (March 29, 2007)).
 - b) The final designs for the digital controls, low-NOx burners, and overfire air systems that were submitted to EPA for Colstrip Units 3 and 4 pursuant to paragraphs 25.c. and 26.c. of the Consent Decree in United States v. PPL Montana, LLC, et al., Civil Action No. *1:07-CV-00040-RFC-CSO*.
 - c) All progress reports that have been submitted to EPA pursuant to paragraphs 41 - 43 of the Consent Decree in United States v. PPL Montana, LLC, et al., Civil Action No. *1:07-CV-00040-RFC-CSO*.

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d) Any written reports regarding any violations of the Consent Decree submitted to EPA pursuant to Paragraph 44 of the Consent Decree in United States v. PPL Montana, LLC, et al., Civil Action No. *1:07-CV-00040-RFC-CSO*.

If any documents were claimed to be Confidential Business Information by the owners of the Colstrip Power Plant, we request that EPA identify those documents by date, name of person submitting the document, and subject line of the document.

Sierra Club requests that to the extent that it is feasible to do so, EPA furnish Sierra Club with electronic copies of the documents requested above in order to minimize the expense and burden of copying.

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l), Sierra Club hereby requests a fee waiver for all copying costs, mailing costs, and other costs related to locating and tendering the documents. A fee waiver is appropriate here because Sierra Club is a non-partisan, non-profit, tax-exempt organization that provides information, advice and advocacy on environmental issues to community organizations, environmental groups and interested persons. It does not charge fees for these activities, and it is not seeking this requested information for any commercial purpose. This request will contribute to a greater public understanding regarding the Colstrip power plant, a matter of considerable public interest. 5 U.S.C. § 552(4)(a)(iii).

Sierra Club is well positioned to disseminate information about coal-fired power plants such as Colstrip. As an organization with large membership across the United States, Sierra Club regularly communicates information to its members and the public via its website, newsletters, action alerts, and press releases. To the extent the requested documents are not already widely available, dissemination of the information and analysis by Sierra Club will thus contribute to greater public understanding. Accordingly, I respectfully request that the documents be furnished to Sierra Club without charge. 5 U.S.C. § 552(4)(a)(iii). The following information further supports Sierra Club's fee-waiver request:

1. The subject matter involves an "identifiable" government activity, namely the background to EPA's determination of acceptable NOx pollution controls and emission rates at Colstrip Units 3 and 4 that were ultimately required in the 2007 Consent Decree;
2. The disclosure of the information we seek is likely to contribute to an understanding of specific government operations, namely EPA's involvement in the determination of acceptable NOx pollution controls and emission rates at Colstrip Units 3 and 4.
3. The public at large has a great deal of interest in this matter. Recently, stories about the Colstrip plant have been issued by the Associated Press, the Seattle Times, the Bellingham Herald, and the Morning Caller.

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4. Regarding whether the disclosure will contribute "significantly" to public understanding of this issue, we believe it will, because the information sought appears to be exclusively in the control of EPA.
5. Regarding the requester's commercial interest, my client Sierra Club is a non-profit organization with no commercial interest in this matter.
6. Since my client has no commercial interest in this matter, the public interest in the documents mentioned above is the only interest that need be considered.

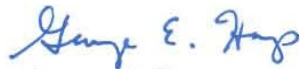
In the alternative, as a noncommercial institution, Sierra Club respectfully requests that fees be limited to reasonable standard charges for document duplication, pursuant to 5 U.S.C. § 552(4)(a)(i)(II), for duplication costs beyond the first 100 pages. 5 U.S.C. § 552(4)(a)(iv)(II).

Please provide the requested documents as soon as possible, but in no event later than 20 working days from the date of this letter. 5 U.S.C. § 552(6)(a)(i). In the event you will have trouble providing a timely response to this entire request, I would be willing to accept your response in stages.

If you have any questions about this request, please do not hesitate to contact me by telephone at (415) 566-5414 or by email at georgehays@mindspring.com.

Sincerely,

Law Office of George E. Hays

A handwritten signature in blue ink that reads "George E. Hays".

George E. Hays
Counsel to Sierra Club